

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

SHANE McCLANAHAN,

Plaintiff,

vs.

LEROY KIRKEGARD, et al.,

Defendants.

CV 15-00069-H-DLC-JTJ

FINDINGS AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE

Plaintiff Shane McClanahan has filed a Motion to Proceed in Forma Pauperis. (Doc. 1.) The federal statute governing proceedings in forma pauperis requires:

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, . . . , shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

28 U.S.C. § 1915(a)(2).

Mr. McClanahan submitted a Motion to Proceed in Forma Pauperis and a proposed Complaint. (Docs. 1, 2.) On July 15, 2015, United States Magistrate Judge Jeremiah Lynch issued an Order transferring this matter to the Helena Division and requiring Mr. McClanahan to submit a certified copy of his prison

trust account statement for the six-month period immediately preceding the submission of his Complaint on or before July 31, 2015. (Doc. 3.) Mr. McClanahan did not respond to the Order. Accordingly, the Motion to Proceed in Forma Pauperis should be denied.

Mr. McClanahan is not entitled to a ten-day period to object. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam).

Based upon the foregoing, the Court issues the following:

RECOMMENDATIONS

1. Mr. McClanahan's Motion to Proceed in Forma Pauperis (Doc. 1) should be **DENIED**.

2. The Clerk of Court should be directed to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure if Mr. McClanahan fails to pay the filing fee of \$400.00 within 30 days of the Court's Order denying his motion to proceed in forma pauperis.

DATED this 17th day of August, 2015.

/s/ John Johnston
John Johnston
United States Magistrate Judge